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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,095	12/09/2003	Kaoru Tsukamoto	OKI.629	2690
20/987 7590 02/12/2010 VOLENTINE & WHITT PLLC ONE FREEDOM SQUARE 11951 FREEDOM DRIVE SUITE 1260 RESTON, VA 20190				
			EXAMINER	
			HU, KANG	
			ART UNIT	PAPER NUMBER
			3715	
			MAIL DATE	DELIVERY MODE
			02/12/2010 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/730,095

Applicant(s)

TSUKAMOTO ET AL.

Examiner

KANG HU

Art Unit

3715

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 January 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 6-12 and 20-25.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Kathleen Mosser/
Primary Examiner, Art Unit 3715

Continuation of 11, does NOT place the application in condition for allowance because:

The applicant has cancelled claims 13-19 in the after final amendment made on 1/28/2010.

The applicant asserted that claims 20-25 are statutory because the method for a mobile device of claim 20 is clearly tied to a mobile device. The examiner has previously explained (final action dated 11/2/2009) top of page 3 of the reasons why the claim is not considered statutory. The claim merely recites the use of a processor, there's no explicit recitation of performance of the method steps by the particular machine in the claim language.

The applicant further asserts that the prior art of reference fails to teach the limitations of song data having synchronization data embedded therein. The applicant particularly asserts that paragraph 5 of Naples does not explicitly disclose of "synchronized timing", the examiner agrees that the explicit wording of "synchronized timing" is not present in paragraph 5. However Naples explicit teaches of MIDI streams, and how the multi-track content in the midi is synthesized like a traditional sheet music for a particular song which provides for the synchronized timing within the song data. The entire citation of relevant portions is provided in the final action dated 11/2/2009, pages 4-8, and response to argument provided on pages 12 and 13.

The applicant further asserts that Naples fails to describe a sound generator that plays sound responsive to song data, and also sends an interrupt signal to a multimedia processor responsive to receipt of synchronization data embedded within the song data. The examiner agrees that the audio output subsystem receives signal from the interactive karaoke system to produce sound, however the examiner has not correlated the audio output subsystem as provided in Naples to the sound generator in the claim. The examiner provided that the interactive karaoke system as a whole is responsible for playing sound responsive to song data and sending interrupt signal to the multimedia processor responsive to receipt of synchronization data embedded within. The system logic provided in the interactive karaoke system includes the player and the engine library allowing the interactive karaoke system to function in the prescribed manner and should not be construed as performing the whole of the interactive karaoke system. The detailed citation and explanation was provided in the final action dated 11/2/2009, pages 4-8 and response to argument provided on bottom of page 13 to top of page 14.

The examiner respectfully submits that all claimed features have been properly rejected in the final office action dated 11/2/2009.